

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

Webb Hill,

Plaintiff,

v.

Wynn Resorts, Limited d/b/a Encore Las Vegas,

Defendant.

Case No. 2:21-cv-02113-CDS-DJA

**Order**

Before the Court is Plaintiff's amended complaint (ECF No. 97) filed without an accompanying motion or stipulation. Under Federal Rule of Civil Procedure 15(a)(2), if a party does not amend within twenty-one days after serving their pleading, a party may amend only with the opposing party's written consent or the court's leave. Under Local Rule 15-1, a party moving to amend must attach the proposed amended pleading to a motion seeking leave of the court. Under Rule 12(f) of the Federal Rules of Civil Procedure, the Court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. Fed. R. Civ. P. 12(f). Additionally, the Court may strike an improper filing under its "inherent power over the administration of its business." *Spurlock v. F.B.I.*, 69 F.3d 1010, 1016 (9th Cir. 1995). Like Rule 12(f) motions to strike, striking material under the Court's inherent power is wholly discretionary. *See Almy v. Davis*, No. 2:12-cv-00129-JCM-VCF, 2014 WL 773813, at \*4-5 (D. Nev. Feb. 25, 2014); *Jones v. Skolnik*, No. 3:10-cv-0016-LRH-VPC, 2015 WL 685228, at \*2 (D. Nev. Feb. 18, 2015).

Here, Plaintiff filed an amended complaint without first moving to amend the complaint and after twenty-one days of serving it. (ECF No. 97). It thus violates the federal rules and the local rules. Because Plaintiff's amended complaint is improperly filed—and thus immaterial—the Court strikes it.

1           Additionally, this is the second time Plaintiff has improperly filed an amended complaint  
2 on the docket without seeking leave. (ECF Nos. 41, 48). Plaintiff is cautioned that to the extent  
3 he seeks to amend his complaint, he must either seek the other parties' written consent or the  
4 Court's leave in accordance with the federal and local rules. Failure to do so could result in  
5 sanctions under Federal Rule of Civil Procedure 11(b)(1) and Rule 11(c)(1).

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7           **IT IS THEREFORE ORDERED** that the Clerk of Court is kindly directed to **strike**  
8 Plaintiff's amended complaint (ECF No. 97) from the docket. The Clerk of Court is also kindly  
9 directed to mail Plaintiff a copy of this order.

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11           DATED: June 1, 2023



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DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE